

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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BEFORE THE STATE OF WISCONSIN  
MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

RICHARD O. MOSSEY, M.D.,  
RESPONDENT.

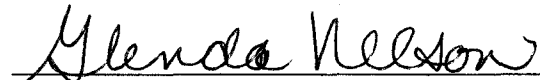
AFFIDAVIT OF SERVICE

Glenda Nelson, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing, and that on September 4, 1990 she served the following upon the respondents attorney:

FINAL DECISION AND ORDER dated August 29, 1990

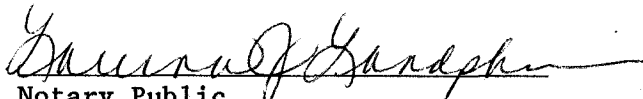
by mailing a true and accurate copy of the above-described document, which is attached hereto, by certified mail with a return receipt requested in an envelope properly addressed to the above-named respondents attorney

James R. Gutglass  
Gutglass, Erickson, Bonville, S.C.  
700 North Water Street, Suite 600  
Milwaukee, WI 53202-4267  
Certified P 568 986 174



Glenda Nelson  
Department of Regulation and Licensing

Subscribed and sworn to before me  
this 4th day of September, 1990.



Notary Public  
Dane County, Wisconsin  
My Commission Expires 02/07/93

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

RICHARD O. MOSSEY, M.D.,  
RESPONDENT.

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FINAL DECISION AND ORDER

The parties to this proceeding for the purposes of sec. 227.53, Wis.  
Stats., are:

Richard O. Mossey, M.D.  
2236 Menomonee River Parkway  
Wauwatosa, WI 53226

Wisconsin Medical Examining Board  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708

Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708

The Wisconsin Medical Examining Board received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed by Richard O. Mossey, M.D., Respondent; James R. Gutglass, attorney for Respondent; and Gilbert C. Lubcke, attorney for Complainant. Based upon the Stipulation of the parties, the Wisconsin Medical Examining Board makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Richard O. Mossey, M.D., of 2236 Menomonee River Parkway, Wauwatosa, Wisconsin 53226, is a physician duly licensed and currently registered to practice medicine and surgery in the State of Wisconsin, license #10548, said license having been granted on 8/12/49.

2. Horace J. McReynolds, the patient herein, was born on 2/5/28 and had been in a physician-patient relationship with Dr. Mossey since 6/22/81.

3. The patient presented at Dr. Mossey's office on 10/21/83 complaining of pressure in his anterior chest which was occasionally related to exertion and sometimes occurred with lifting. Diet was not a factor in producing the symptoms. The patient had a history of smoking.

4. On 10/21/83, Dr. Mossey's preliminary diagnoses were "hiatal problem vs. atypical angina".

5. On 10/21/83, Dr. Mossey recommended further observation and follow-up but he did not order any other diagnostic tests to assess the patient's condition.

6. The patient returned to Dr. Mossey's office on 12/14/83 and reported continuing episodes of pressure in his anterior chest. The patient also noted some relief from use of an antacid.

7. On 12/14/83, Dr. Mossey examined the patient's heart with a stethoscope and referred the patient to Dr. R. E. Zellmer for an upper GI series. Respondent prescribed Oxaine M and Tagamet and gave the patient dietary instructions.

8. Dr. Zellmer performed an upper GI series on 12/15/83. This diagnostic test disclosed that the patient had a hiatal hernia with a Schatzki's Ring. Dr. Zellmer reported the findings to Dr. Mossey by letter dated 12/16/83.

9. The patient returned to Dr. Mossey's office on 1/11/84 and reported the continuation of his symptoms.

10. On 1/11/84, Dr. Mossey examined the patient's heart and lungs with a stethoscope and he referred the patient to Dr. Hogan, a gastroenterologist, for further evaluation of the patient's hiatal problem. Respondent prescribed Zantac for the patient.

11. On 1/22/84, the patient collapsed at his home and was transported to the emergency room at Milwaukee County General Hospital where he was pronounced dead. The cause of death was recorded as "sudden death syndrome".

12. An autopsy was performed on 1/23/84 and disclosed severe coronary atherosclerosis and cardiomegaly with biventricular hypertrophy. The right coronary artery demonstrated approximately 80% stenosis by atherosclerosis at its ostium. The left main coronary artery demonstrated near total stenosis by calcified plaque. No evidence of either recent or remote myocardial infarction was noted.

13. Dr. Mossey failed to fully evaluate the patient's condition between 10/21/83 and 1/22/84 in that in addition to evaluating the gastrointestinal abnormalities and making referral of the patient to Dr. Hogan, Dr. Mossey should have had performed an EKG and a stress test.

14. Dr. Mossey's conduct created the unacceptable risks that the patient's symptoms may have been the result of cardiovascular disease which, if not adequately evaluated, promptly diagnosed and appropriately treated, may progress to life-threatening arrhythmias or an acute myocardial infarction.

### CONCLUSIONS OF LAW

1. The Medical Examining Board has jurisdiction in this disciplinary proceeding pursuant to Wis. Stats., sec. 448.02.
2. The Medical Examining Board has the authority to resolve this disciplinary proceeding by stipulation without an evidentiary hearing pursuant to Wis. Stats., sec. 227.44(5).
3. Richard O. Mossey, M.D., having engaged in the conduct set forth above, engaged in conduct which constitutes a violation of Wis. Stats., sec. 448.02(3) and Wis. Adm. Code, sec. MED 10.02(2)(h).
4. The Medical Examining Board has the authority pursuant to Wis. Stats., sec. 440.22 to assess costs of this proceeding against Dr. Mossey.

### ORDER

NOW, THEREFORE, IT IS ORDERED that the Stipulation of the parties is approved.

IT IS FURTHER ORDERED that the Respondent, Richard O. Mossey, M.D., license #10548, shall be, and hereby is, REPRIMANDED.

IT IS FURTHER ORDERED that Richard O. Mossey, M.D., as a condition of retaining his license to practice medicine and surgery in the State of Wisconsin, shall, within nine months of the date of this Final Decision and Order, attend 50 hours of Category I continuing medical education courses in the diagnosis and treatment of cardiovascular and gastrointestinal diseases. The continuing medical education courses will be divided between these two subject matter areas and will be pre-approved by the Medical Examining Board or a member thereof. This 50 hour continuing medical education requirement is in addition to Dr. Mossey's 30 credit biennial registration requirement. Dr. Mossey will supply proof of attendance to the Medical Examining Board. This proof of attendance will include certification from the sponsoring organization as well as an affidavit executed by Dr. Mossey verifying that he attended each course in its entirety.

IT IS FURTHER ORDERED that pursuant to the authority of Wis. Stats., sec. 448.02(4), should the Medical Examining Board determine that there is probable cause to believe that Dr. Mossey has violated the terms of the Final Decision and Order of the Medical Examining Board as set forth above, the Board may order that Dr. Mossey's license be summarily suspended pending investigation of the alleged violation.

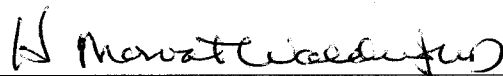
IT IS FURTHER ORDERED that Richard O. Mossey will pay the costs of this proceeding in the amount of \$475 to the Department of Regulation and Licensing within 30 days of the date of the Final Decision and Order. Failure to pay

these costs in full within 30 days of the date of the Final Decision and Order will result in suspension of Dr. Mossey's license to practice medicine and surgery in the State of Wisconsin without further notice to Dr. Mossey and without opportunity to appear. The suspension will continue until the costs are paid in full.

The rights of a party aggrieved by this Final Decision and Order to petition the Medical Examining Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated this 24<sup>th</sup> day of August, 1990.

WISCONSIN MEDICAL EXAMINING BOARD



H. Mowat Walgren, Chairman

MPM:GCL:mkm  
ATY-1096

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

RICHARD O. MOSSEY, M.D.,  
RESPONDENT.

STIPULATION

It is hereby stipulated between Richard O. Mossey, M.D., Respondent, personally, and by his attorney, James R. Gutglass, and Gilbert C. Lubcke, attorney for Complainant as follows:

1. Richard O. Mossey, M.D., of 2236 Menomonee River Parkway, Wauwatosa, Wisconsin 53226, is a physician fully licensed and currently registered to practice medicine and surgery in the State of Wisconsin, license #10548, said license having been granted on 8/12/49.

2. A formal disciplinary proceeding against Dr. Mossey was commenced before the Wisconsin Medical Examining Board on 2/8/90 by the filing of a Notice of Hearing and a Complaint.

3. The parties to this Stipulation have freely and voluntarily entered into this agreement for the purpose of resolving the pending disciplinary proceeding without the necessity for a formal evidentiary hearing. Dr. Mossey's decision to resolve this disciplinary proceeding by the means set forth in this Stipulation is primarily influenced, in part, by the anticipated cost associated with this disciplinary proceeding and the fact that he is presently semi-retired from the practice of medicine and surgery.

4. The parties stipulate that the Wisconsin Medical Examining Board may render the Final Decision and Order attached hereto, the terms of which have been agreed upon by the parties to this Stipulation.

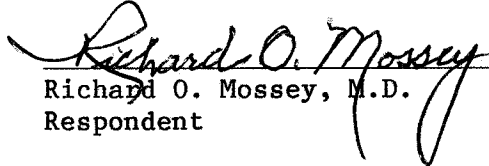
5. This Stipulation shall be submitted directly to the Wisconsin Medical Examining Board for consideration and for a Final Decision and Order. The parties hereby waive the right to an intervening Proposed Decision from the Hearing Examiner.

6. Dr. Mossey agrees to pay costs in this matter in the amount of \$475 to the Department of Regulation and Licensing pursuant to the authority of Wis. Stats., sec. 440.22. Failure to pay these costs in full within 30 days of the date of the Final Decision and Order in this matter shall result in suspension of Respondent's license to practice medicine and surgery in the State of Wisconsin without further notice to the Respondent and without opportunity to appear. Said suspension will continue until costs are paid in full.

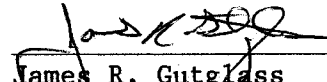
7. The parties to this Stipulation and Michael P. Mehr, M.D., the member of the Medical Examining Board designated to supervise and direct the investigation in this matter, will be permitted to appear before the Medical Examining Board to speak in support of this Stipulation.

8. If any term of this Stipulation is not accepted by the Wisconsin Medical Examining Board, then no term of this Stipulation shall be binding in any manner on any party, and the matter shall be remanded to the Hearing Examiner for further proceedings.

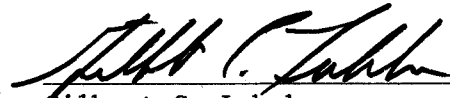
Dated: 7/19/90

  
Richard O. Mossey, M.D.  
Respondent

Dated: 7/20/90

  
James R. Gutglass  
Attorney for Respondent

Dated: 7/3/90

  
Gilbert C. Lubcke  
Attorney for Complainant

GCL:mkm  
ATY-1095

## NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,  
the times allowed for each and the identification  
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

### 1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Medical Examining Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

### 2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Medical Examining Board.

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Medical Examining Board.

The date of mailing of this decision is September 4, 1990.

WLD:dms  
886-490